IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITON NO.3068 OF 2005

Deccan Explosives Manufacturing Company. .. Petitioner

v/s.

Shri Maruti Rambhau Gaikwad .. Respondent

Mr.A.G.Damle for the petitioner.

Mr.K.S.Verma for the respondent.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 29th September, 2005

P.C.

This petition challenges the order of the Industrial Court rejecting the application filed by the petitioner.

2. The petitioner had filed an application contending that the revision application No.74 of 2004 filed by the respondent should be rejected since it was filed after an inordinate delay of 3.1/2 years. The Industrial Court was of the view that since there was no time limit prescribed for filing the revision application under the MRTU & PULP Act, there was no need to reject the revision application.

3. According to the learned advocate appearing for the petitioner, it was necessary for the Industrial Court to consider the fact that no reasons have

been mentioned in the revision application for the inordinate delay in filing the same. He submits that the Industrial Court ought not to have entertained the revision at all. Reliance is placed on the judgment of the Single Judge of this court in the case of Maharashtra State Road Transport Corporation v. R.D.Toplewar, Ex-Conductor, Pusad and anr. reported in 1987 Mh.L.J. 85. The learned Single Judge has observed in para 7 of the judgment that the exercise of the power under section 44 is discretionary. The Industrial Court can always even after entertaining the application filed under section 44 of the Act, modulate the relief in such a manner so as to avoid any hardship or injustice being caused to the opposite party by reason of the delay in invoking its jurisdiction. I am in respectful agreement with this observation of the learned Single Judge. There is no need to interfere with the order passed by the Industrial Court. Petition rejected.

(SMT.NISHITA MHATRE, J.)